

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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YAHAIIRA PEREZ, Executrix of the	:	CIVIL ACTION
Estate of Marvin Yamar Perez	:	
	:	
Plaintiff,	:	
	:	NO. 09-4298
v.	:	
	:	
THE CITY OF PHILADELPHIA	:	
	:	
Defendant.	:	
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	:	

ORDER

AND NOW this 5th day of April, upon consideration of the City of Philadelphia's Motion to Dismiss (Document No.3, filed Nov. 23, 2009) and Plaintiff Yahaira Perez's Response to the City of Philadelphia's Motion to Dismiss (Document No. 4, filed December 16, 2009), and after hearing oral argument on March 11, 2010, for the reasons set forth in the Memorandum dated April 5, 2010, **IT IS ORDERED** that the City of Philadelphia's Motion to Dismiss is **GRANTED WITHOUT PREJUDICE** to plaintiff's right to proceed against any other parties if warranted by the facts.

BY THE COURT:

/s/ Jan E. DuBois
JAN E. DUBOIS, J.